Notice of Allowability	Application No.	Applicant(s)	
	10/657,283	KIPP ET AL.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *9/29/05*.

2. ☒ The allowed claim(s) is/are *5-8*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 29 September 2005. Claims 1-4 and 9-10 have been canceled; no claims have been amended; and no claims have been newly added. Currently, claims 5-8 are pending in the application.

Allowable Subject Matter

2. Claims 5-8 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Soehnlen [US 2002/0067264] discloses an apparatus for use in detecting tampering with a container sealed with a cap. The apparatus includes a radio frequency transceiver circuit adapted to transmit a signal upon receipt of a transmit command, an antenna having a fixed length connected to said radio frequency transceiver circuit, a disabling the radio frequency transceiver circuit for preventing said radio frequency transceiver circuit from transmitting a signal when the container has been tampered with (i.e., when the integrity of the package has been a breached), subsequent to the transmitting a transmit command by the interrogator to said a radio frequency transceiver circuit, the interrogator identifies the tampering with the container by failure of the container to response to the transmit command (i.e., the interrogator recognizes the lack of response signal from the radio frequency transceiver circuit when the integrity of the package has been a breached).

Gustafson [US 6,050,622] discloses an apparatus for use in detecting tampering with a container (a bottle) sealed with a cap (a stopper), including: a security seal (a the sealing strip) mounted over a substrate having a first portion thereof adapted to be affixed to a portion of the container (a neck portion of the bottle), and a second portion thereof adapted to be affixed the cap (the stopper), a transceiver circuit (an electronic component that is activated and

interrogated by outside checking mean) adapted to transmit signal upon receipt of a transmit command (the electronic component transmit its programmed code when the electronic component is interrogated by an auxiliary transceiver apparatus, an antenna (a winding of coil and its connection wires that connects to the transceiver circuit) having a fixed length connected to the transceiver circuit and mounted on the substrate (the sealing strip), adapted to be arranged so that a portion of the antenna (i.e., the connection wire) is mounted over the container (the neck portion of the bottle) and a portion of said antenna (i.e., the winding of coil) is mounted over the cap (the stopper) such that removal of the cap from the container will cause said antenna to separate thereby preventing said radio frequency transceiver from receiving any commands (i.e.. when the cap being withdrawn from the container neck will cause the connection of the electronic component and the coil is broken, thus the electronic component can no longer be interrogated, in other words, any attempt to tearing of the sealing strip, such as the cap being withdrawn from the container neck, brings about breaking of the continuity of the safety circuit, hence the transceiver circuit can no longer be interrogated since the connection wires that connect the transceiver circuit to the coil, wherein this means for preventing the transceiver circuit from transmitting the signal when the container has been tampered with is used as identifying tampering with a container by the failure of the container to respond to said transmit command (the opening of the sealing strip permits sure detection of the sealing which is supposed to have been violated, when upon interrogating this sealing no coded signal is received back. Wherein the substrate is positioned such that said antenna forms a magnetic configuration.

One of ordinary skill in the art would not have been motivated to modify the teachings of Soehnlen and Gustafson, alone or in combination with other references, in order to provide a means for disabling the radio frequency transceiver in an apparatus for detecting tampering with

container when the sensor that mounted within the cap produces an output indicative of an amount of the substance within the container filled with a substance and wherein the output of the sensor indicates a change in the amount of the substance with the container, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. I. Lee
Primary Examiner
Art Unit 2876